

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICE, AND
PRODUCT LIABILITY LITIGATION

No. MDL 05-01699

ORDER VACATING DISMISSAL

This Document Relates to:

Wayne Gunnison v. Pfizer, Inc., et al., 06-
3665 CRB

WHEREAS, on August 28, 2009, Plaintiff's counsel moved to withdraw as counsel for Plaintiff;

WHEREAS, on September 3, 2009, the Court entered an Order to Show Cause requiring Plaintiff to notify the Court in writing on or before September 25, 2009 of the reasons why his case should not be dismissed;

WHEREAS, on September 23, 2009, Plaintiff sent a letter to the Court by Federal Express indicating that he intends to proceed with his case, but the letter inadvertently was not posted on the docket such that Pfizer Inc. could be aware that Plaintiff had reached out to the Court; and

1 WHEREAS, on or about September 25, 2009, the Court entered an order dismissing
2 Plaintiff's case with prejudice for lack of prosecution;

3 THEREFORE, IT IS HEREBY ORDERED THAT:

4 1. The dismissal of this action with prejudice is VACATED and this case is
5 reinstated to the Court's docket.

6 2. Plaintiff's counsel's motion to withdraw is GRANTED.

7 3. Plaintiff must still comply with Pretrial Order No. 35. In particular, Plaintiff
8 shall have 60 days from the date of this Order to comply with Pretrial Order No. 31 or face
9 dismissal of his claims with prejudice.

10 4. Plaintiff's former counsel shall forward all pleadings to Plaintiff until
11 Plaintiff files either a Notice of Substitution of Counsel or a Notice of Intent to Proceed
12 *Pro Se.*

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14 **IT IS SO ORDERED**

15 Dated: November 10, 2009



Hon. Charles R. Breyer
United States District Court

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